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Legislative History – Montana Session Law

Chapter: 180 Session L: 2015

Bill Number: HB 410

Checklist of Bill History

- History and Final Status Sheet ☑
- Introduced Bill ☐
- Fiscal Note ☐
- Third Reading Bill ☐
- Final Version of Bill ☐

House	Senate
Committee: Judiciary	Committee: Judiciary
Hearing Date(s): 2/17/2015	Hearing Date(s): 3/11/2015
Committee Report: 2/19/2015	Committee Report: 3/11/2015

Conference Committee

Hearing Date(s):

Conference Committee Report: NA

Compiler Notes

Compiled by: SKMarshall

Date: 8/28/2024

Notes: Audio/Video available on Leg. website.

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/02/15	Chapter Number Assigned				
04/02/15	(H) Signed by Governor				
03/24/15	(H) Transmitted to Governor				
03/23/15	(S) Signed by President				
03/20/15	(H) Signed by Speaker				
03/20/15	(H) Returned from Enrolling				
03/19/15	(C) Printed - Enrolled Version Available				
03/18/15	(H) Sent to Enrolling				
03/17/15	(S) Returned to House				
03/17/15	(S) 3rd Reading Concurred		43	7	
03/17/15	(S) Scheduled for 3rd Reading				
03/16/15	(S) 2nd Reading Concurred		41	9	
03/16/15	(S) Scheduled for 2nd Reading				
03/12/15	(S) Committee Report--Bill Concurred	(S) Judiciary			
03/11/15	(S) Committee Executive Action--Bill Concurred	(S) Judiciary	9	2	
03/11/15	(S) Hearing	(S) Judiciary			
03/06/15	(S) Referred to Committee	(S) Judiciary			
03/06/15	(S) First Reading				
02/27/15	(H) Transmitted to Senate				
02/26/15	(H) 3rd Reading Passed		91	9	
02/26/15	(H) Scheduled for 3rd Reading				
02/25/15	(C) Printed - New Version Available				
02/25/15	(H) 2nd Reading Passed as Amended		90	10	
02/25/15	(H) 2nd Reading Motion to Amend Carried		100	0	
02/25/15	(H) Scheduled for 2nd Reading				
02/24/15	(H) 2nd Reading Pass Consideration				
02/24/15	(H) Scheduled for 2nd Reading				
02/20/15	(C) Printed - New Version Available				
02/20/15	(H) Committee Report--Bill Passed as Amended	(H) Judiciary			
02/19/15	(H) Committee Executive Action--Bill Passed as Amended	(H) Judiciary	11	10	

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/17/15	(H) Hearing	(H) Judiciary			
02/05/15	(C) Introduced Bill Text Available Electronically				
02/05/15	(H) First Reading				
02/05/15	(H) Referred to Committee	(H) Judiciary			
02/05/15	(H) Introduced				
02/05/15	(C) Draft Delivered to Requester				
02/04/15	(C) Draft Ready for Delivery				
02/04/15	(C) Draft in Assembly/Executive Director Review				
02/04/15	(C) Draft in Final Drafter Review				
02/04/15	(C) Bill Draft Text Available Electronically				
02/04/15	(C) Draft in Input/Proofing				
02/04/15	(C) Draft to Drafter - Edit Review [KWK]				
02/03/15	(C) Draft in Legal Review				
01/24/15	(C) Draft to Requester for Review				
01/05/15	(C) Draft Request Received				

AN ACT GENERALLY REVISING LAWS REGARDING OLDER PERSONS, INCAPACITATED PERSONS, AND DEVELOPMENTALLY DISABLED PERSONS; PROVIDING FOR THE ADMISSIBILITY OF HEARSAY STATEMENTS UNDER CERTAIN CIRCUMSTANCES WHERE REASONABLE GUARANTEES OF TRUSTWORTHINESS ARE PRESENT IN CASES OF EXPLOITATION OF OLDER PERSONS, INCAPACITATED PERSONS, AND PERSONS WITH DEVELOPMENTAL DISABILITIES; CREATING THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Testimony of third person in cases of exploitation of older person, incapacitated person, or developmentally disabled person. (1) Otherwise inadmissible hearsay may be admitted into evidence in a criminal proceeding, as provided in subsections (2) and (3), if:

(a) the declarant of the out-of-court statement is an older person, an incapacitated person, or an individual with a developmental disability who is:

(i) an alleged victim of exploitation of an older person, incapacitated person, or developmentally disabled person pursuant to [section 2] that is the subject of the criminal proceeding; or

(ii) a witness to an alleged exploitation of an older person, incapacitated person, or developmentally disabled person pursuant to [section 2] that is the subject of the criminal proceeding;

(b) the court finds that the time, content, and circumstances of the statement provide circumstantial guarantees of trustworthiness;

(c) the older person, the incapacitated person, or the individual with a developmental disability is unavailable as a witness;

(d) the hearsay testimony is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence available through reasonable efforts; and

(e) the party intending to offer the hearsay testimony gives sufficient notice to provide the adverse party with a fair opportunity to prepare. The notice must include the content of the statement, the approximate time, date, and location of the statement, the person to whom the statement was made, and the circumstances surrounding the statement that the offering party believes support the statement's reliability.

(2) The court shall issue findings of fact and conclusions of law setting forth the court's reasoning on the admissibility of the testimony.

(3) When deciding the admissibility of offered hearsay testimony under subsections (1) and (2), a court shall consider the following:

(a) the attributes of the hearsay declarant, including:

(i) the individual's age;

(ii) the individual's ability to communicate verbally;

(iii) the individual's ability to comprehend the statements or questions of others;

(iv) the individual's ability to tell the difference between truth and falsehood;

(v) the individual's motivation to tell the truth, including whether the individual understands the general obligation to speak truthfully and not fabricate stories;

(vi) whether the individual possessed sufficient mental capacity at the time of the alleged incident to create an accurate memory of the incident; and

(vii) whether the individual possesses sufficient memory to retain an independent recollection of the events at issue;

(b) information regarding the witness who is relating the individual's hearsay statement, including:

(i) the witness's relationship to the individual;

(ii) whether the relationship between the witness and the individual has an impact on the trustworthiness of the individual's hearsay statement;

(iii) whether the witness has a motive to fabricate or distort the individual's statement; and

(iv) the circumstances under which the witness heard the individual's statement, including the timing of the statement in relation to the incident at issue and the availability of another person in whom the individual could confide;

(c) information regarding the individual's statement, including:

(i) whether the statement contains knowledge not normally attributed to an individual of the declarant's

age;

(ii) whether the statement was spontaneous;

(iii) the suggestiveness of statements by other persons to the individual at the time that the individual made the statement;

(iv) if statements were made by the individual to more than one person, whether those statements were consistent;

(v) the nearness in time of the statement to the incident at issue; and

(vi) whether the statement is testimonial or nontestimonial in character; and

(d) other considerations that in the judge's opinion may bear on the admissibility of the individual's hearsay testimony.

(4) As used in this section, the following definitions apply:

(a) "Developmental disability" has the meaning provided in 53-20-102.

(b) "Incapacitated person" has the meaning provided in 72-5-101.

(c) "Older person" means a person who is 65 years of age or older.

Section 2. Exploitation of older person, incapacitated person, or person with developmental disability. (1) A person commits the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an older person's, incapacitated person's, or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the older person, incapacitated person, or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the older person, incapacitated person, or developmentally disabled person; and

(b) (i) stands in a position of trust or confidence with the older person, incapacitated person, or developmentally disabled person; or

(ii) has a business relationship with the older person, incapacitated person, or developmentally disabled person.

(2) A person commits the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

(b) (i) stands in a position of trust or confidence with the older person, incapacitated person, or developmentally disabled person; or

(ii) has a business relationship with the older person, incapacitated person, or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section, the following definitions apply:

(a) "developmental disability" has the meaning provided in 53-20-102.

(b) "incapacitated person" has the meaning provided in 72-5-101.

(c) "older person" means a person who is 65 years of age or older.

Section 3. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

~~(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.~~

~~(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved.~~"

Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 16, part 2, and the provisions of Title 46, chapter 16, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -

I hereby certify that the within bill,

HB 0410, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day

of _____, 2015.

President of the Senate

Signed this _____ day

of _____, 2015.

HOUSE BILL NO. 410

INTRODUCED BY J. ESSMANN

AN ACT GENERALLY REVISING LAWS REGARDING OLDER PERSONS, INCAPACITATED PERSONS, AND DEVELOPMENTALLY DISABLED PERSONS; PROVIDING FOR THE ADMISSIBILITY OF HEARSAY STATEMENTS UNDER CERTAIN CIRCUMSTANCES WHERE REASONABLE GUARANTEES OF TRUSTWORTHINESS ARE PRESENT IN CASES OF EXPLOITATION OF OLDER PERSONS, INCAPACITATED PERSONS, AND PERSONS WITH DEVELOPMENTAL DISABILITIES; CREATING THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA.

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(a) the declarant of the out-of-court statement is an older person, an incapacitated person, or an individual with a developmental disability who is:

(i) an alleged victim of exploitation of an older person, incapacitated person, or developmentally disabled person pursuant to [section 2] that is the subject of the criminal proceeding; or

(ii) a witness to an alleged exploitation of an older person, incapacitated person, or developmentally disabled person pursuant to [section 2] that is the subject of the criminal proceeding;

(b) the court finds that the time, content, and circumstances of the statement provide circumstantial guarantees of trustworthiness;

(c) the older person, the incapacitated person, or the individual with a developmental disability is unavailable as a witness;

(d) the hearsay testimony is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence available through reasonable efforts; and

(e) the party intending to offer the hearsay testimony gives sufficient notice to provide the adverse party with a fair opportunity to prepare. The notice must include the content of the statement, the approximate time, date, and location of the statement, the person to whom the statement was made, and the circumstances surrounding the statement that the offering party believes support the statement's reliability.

(2) The court shall issue findings of fact and conclusions of law setting forth the court's reasoning on the admissibility of the testimony.

(3) When deciding the admissibility of offered hearsay testimony under subsections (1) and (2), a court shall consider the following:

(a) the attributes of the hearsay declarant, including:

(i) the individual's age;

(ii) the individual's ability to communicate verbally;

(iii) the individual's ability to comprehend the statements or questions of others;

(iv) the individual's ability to tell the difference between truth and falsehood;

(v) the individual's motivation to tell the truth, including whether the individual understands the general obligation to speak truthfully and not fabricate stories;

(vi) whether the individual possessed sufficient mental capacity at the time of the alleged incident to create an accurate memory of the incident; and

(vii) whether the individual possesses sufficient memory to retain an independent recollection of the events at issue;

(b) information regarding the witness who is relating the individual's hearsay statement, including:

(i) the witness's relationship to the individual;

(ii) whether the relationship between the witness and the individual has an impact on the trustworthiness of the individual's hearsay statement;

(iii) whether the witness has a motive to fabricate or distort the individual's statement; and

(iv) the circumstances under which the witness heard the individual's statement, including the timing of the statement in relation to the incident at issue and the availability of another person in whom the individual could confide;

(c) information regarding the individual's statement, including:

(i) whether the statement contains knowledge not normally attributed to an individual of the declarant's

age;

(ii) whether the statement was spontaneous;

(iii) the suggestiveness of statements by other persons to the individual at the time that the individual made the statement;

(iv) if statements were made by the individual to more than one person, whether those statements were consistent;

(v) the nearness in time of the statement to the incident at issue; and

(vi) whether the statement is testimonial or nontestimonial in character; and

(d) other considerations that in the judge's opinion may bear on the admissibility of the individual's hearsay testimony.

(4) As used in this section, the following definitions apply:

(a) "Developmental disability" has the meaning provided in 53-20-102.

(b) "Incapacitated person" has the meaning provided in 72-5-101.

(c) "Older person" means a person who is 65 years of age or older.

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(b) (i) stands in a position of trust or confidence with the older person, incapacitated person, or developmentally disabled person; or

(ii) has a business relationship with the older person, incapacitated person, or developmentally disabled person.

(2) A person commits the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

(b) (i) stands in a position of trust or confidence with the older person, incapacitated person, or developmentally disabled person; or

(ii) has a business relationship with the older person, incapacitated person, or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an older person, an incapacitated person, or a person with a developmental disability shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section, the following definitions apply:

(a) "developmental disability" has the meaning provided in 53-20-102.

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(c) "older person" means a person who is 65 years of age or older.

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"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

~~(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.~~

~~(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved.~~"

Section 4. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 16, part 2, and the provisions of Title 46, chapter 16, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -

I hereby certify that the within bill,

HB 0410, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day

of _____, 2015.

President of the Senate

Signed this _____ day

of _____, 2015.

HOUSE BILL NO. 410

INTRODUCED BY J. ESSMANN

AN ACT GENERALLY REVISING LAWS REGARDING OLDER PERSONS, INCAPACITATED PERSONS, AND DEVELOPMENTALLY DISABLED PERSONS; PROVIDING FOR THE ADMISSIBILITY OF HEARSAY STATEMENTS UNDER CERTAIN CIRCUMSTANCES WHERE REASONABLE GUARANTEES OF TRUSTWORTHINESS ARE PRESENT IN CASES OF EXPLOITATION OF OLDER PERSONS, INCAPACITATED PERSONS, AND PERSONS WITH DEVELOPMENTAL DISABILITIES; CREATING THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA.

HOUSE BILL NO. 410

INTRODUCED BY J. ESSMANN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING OLDER PERSONS AND DEVELOPMENTALLY DISABLED PERSONS; PROVIDING FOR THE ADMISSIBILITY OF HEARSAY STATEMENTS UNDER CERTAIN CIRCUMSTANCES WHERE REASONABLE GUARANTEES OF TRUSTWORTHINESS ARE PRESENT IN CASES OF EXPLOITATION OF OLDER PEOPLE AND PEOPLE WITH DEVELOPMENTAL DISABILITIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Testimony of third person in cases of exploitation of older person or developmentally disabled person.** (1) Otherwise inadmissible hearsay may be admitted into evidence in a criminal proceeding, as provided in subsections (2) and (3), if:

(a) the declarant of the out-of-court statement is an older person or an individual with a developmental disability who is:

(i) an alleged victim of exploitation of an older person or developmentally disabled person pursuant to 52-3-825 that is the subject of the criminal proceeding; or

(ii) a witness to an alleged exploitation of an older person or developmentally disabled person pursuant to 52-3-825 that is the subject of the criminal proceeding;

(b) the court finds that the time, content, and circumstances of the statement provide circumstantial guarantees of trustworthiness;

(c) the older person or the individual with a developmental disability is unavailable as a witness;

(d) the hearsay testimony is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence available through reasonable efforts; and

(e) the party intending to offer the hearsay testimony gives sufficient notice to provide the adverse party with a fair opportunity to prepare. The notice must include the content of the statement, the approximate time, date, and location of the statement, the person to whom the statement was made, and the circumstances surrounding the statement that the offering party believes support the statement's reliability.

(2) The court shall issue findings of fact and conclusions of law setting forth the court's reasoning on the

admissibility of the testimony.

(3) When deciding the admissibility of offered hearsay testimony under subsections (1) and (2), a court shall consider the following:

(a) the attributes of the hearsay declarant, including:

(i) the individual's age;

(ii) the individual's ability to communicate verbally;

(iii) the individual's ability to comprehend the statements or questions of others;

(iv) the individual's ability to tell the difference between truth and falsehood;

(v) the individual's motivation to tell the truth, including whether the individual understands the general obligation to speak truthfully and not fabricate stories;

(vi) whether the individual possessed sufficient mental capacity at the time of the alleged incident to create an accurate memory of the incident; and

(vii) whether the individual possesses sufficient memory to retain an independent recollection of the events at issue;

(b) information regarding the witness who is relating the individual's hearsay statement, including:

(i) the witness's relationship to the individual;

(ii) whether the relationship between the witness and the individual has an impact on the trustworthiness of the individual's hearsay statement;

(iii) whether the witness has a motive to fabricate or distort the individual's statement; and

(iv) the circumstances under which the witness heard the individual's statement, including the timing of the statement in relation to the incident at issue and the availability of another person in whom the individual could confide;

(c) information regarding the individual's statement, including:

(i) whether the statement contains knowledge not normally attributed to an individual of the declarant's age;

(ii) whether the statement was spontaneous;

(iii) the suggestiveness of statements by other persons to the individual at the time that the individual made the statement;

(iv) if statements were made by the individual to more than one person, whether those statements were consistent;

(v) the nearness in time of the statement to the incident at issue; and

(vi) whether the statement is testimonial or nontestimonial in character; and

(d) other considerations that in the judge's opinion may bear on the admissibility of the individual's hearsay testimony.

(4) As used in this section, "older person" has the meaning provided in 52-3-803 and "developmental disability" has the meaning provided in 53-20-102.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 16, part 2, and the provisions of Title 46, chapter 16, part 2, apply to [section 1].

- END -

HOUSE BILL NO. 410

INTRODUCED BY J. ESSMANN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING ~~OLDER~~ INCAPACITATED PERSONS AND DEVELOPMENTALLY DISABLED PERSONS; PROVIDING FOR THE ADMISSIBILITY OF HEARSAY STATEMENTS UNDER CERTAIN CIRCUMSTANCES WHERE REASONABLE GUARANTEES OF TRUSTWORTHINESS ARE PRESENT IN CASES OF EXPLOITATION OF ~~OLDER~~ INCAPACITATED PEOPLE AND PEOPLE WITH DEVELOPMENTAL DISABILITIES; CREATING THE OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Testimony of third person in cases of exploitation of ~~older~~ INCAPACITATED person or developmentally disabled person.** (1) Otherwise inadmissible hearsay may be admitted into evidence in a criminal proceeding, as provided in subsections (2) and (3), if:

(a) the declarant of the out-of-court statement is an ~~older~~ INCAPACITATED person or an individual with a developmental disability who is:

(i) an alleged victim of exploitation of an ~~older~~ INCAPACITATED person or developmentally disabled person pursuant to ~~52-3-825~~ [SECTION 2] that is the subject of the criminal proceeding; or

(ii) a witness to an alleged exploitation of an ~~older~~ INCAPACITATED person or developmentally disabled person pursuant to ~~52-3-825~~ [SECTION 2] that is the subject of the criminal proceeding;

(b) the court finds that the time, content, and circumstances of the statement provide circumstantial guarantees of trustworthiness;

(c) the ~~older~~ INCAPACITATED person or the individual with a developmental disability is unavailable as a witness;

(d) the hearsay testimony is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence available through reasonable efforts; and

(e) the party intending to offer the hearsay testimony gives sufficient notice to provide the adverse party with a fair opportunity to prepare. The notice must include the content of the statement, the approximate time,

date, and location of the statement, the person to whom the statement was made, and the circumstances surrounding the statement that the offering party believes support the statement's reliability.

(2) The court shall issue findings of fact and conclusions of law setting forth the court's reasoning on the admissibility of the testimony.

(3) When deciding the admissibility of offered hearsay testimony under subsections (1) and (2), a court shall consider the following:

(a) the attributes of the hearsay declarant, including:

(i) the individual's age;

(ii) the individual's ability to communicate verbally;

(iii) the individual's ability to comprehend the statements or questions of others;

(iv) the individual's ability to tell the difference between truth and falsehood;

(v) the individual's motivation to tell the truth, including whether the individual understands the general obligation to speak truthfully and not fabricate stories;

(vi) whether the individual possessed sufficient mental capacity at the time of the alleged incident to create an accurate memory of the incident; and

(vii) whether the individual possesses sufficient memory to retain an independent recollection of the events at issue;

(b) information regarding the witness who is relating the individual's hearsay statement, including:

(i) the witness's relationship to the individual;

(ii) whether the relationship between the witness and the individual has an impact on the trustworthiness of the individual's hearsay statement;

(iii) whether the witness has a motive to fabricate or distort the individual's statement; and

(iv) the circumstances under which the witness heard the individual's statement, including the timing of the statement in relation to the incident at issue and the availability of another person in whom the individual could confide;

(c) information regarding the individual's statement, including:

(i) whether the statement contains knowledge not normally attributed to an individual of the declarant's age;

(ii) whether the statement was spontaneous;

(iii) the suggestiveness of statements by other persons to the individual at the time that the individual

made the statement;

(iv) if statements were made by the individual to more than one person, whether those statements were consistent;

(v) the nearness in time of the statement to the incident at issue; and

(vi) whether the statement is testimonial or nontestimonial in character; and

(d) other considerations that in the judge's opinion may bear on the admissibility of the individual's hearsay testimony.

(4) As used in this section, ~~"older person"~~ "INCAPACITATED PERSON" has the meaning provided in ~~52-3-803~~ 72-5-101 and "developmental disability" has the meaning provided in 53-20-102.

NEW SECTION. **SECTION 2. EXPLOITATION OF INCAPACITATED PERSON OR PERSON WITH DEVELOPMENTAL DISABILITY.** (1) A PERSON COMMITS THE OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR A PERSON WITH A DEVELOPMENTAL DISABILITY IF THE PERSON:

(A) PURPOSELY OR KNOWINGLY OBTAINS OR USES OR ATTEMPTS TO OBTAIN OR USE AN INCAPACITATED PERSON'S OR DEVELOPMENTALLY DISABLED PERSON'S FUNDS, ASSETS, OR PROPERTY WITH THE INTENT TO TEMPORARILY OR PERMANENTLY DEPRIVE THE INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON OF THE USE, BENEFIT, OR POSSESSION OF FUNDS, ASSETS, OR PROPERTY OR TO BENEFIT SOMEONE OTHER THAN THE INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; AND

(B) (I) STANDS IN A POSITION OF TRUST OR CONFIDENCE WITH THE INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; OR

(II) HAS A BUSINESS RELATIONSHIP WITH THE INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON.

(2) A PERSON COMMITS THE OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR A PERSON WITH A DEVELOPMENTAL DISABILITY IF THE PERSON:

(A) PURPOSELY OR KNOWINGLY OBTAINS PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON AND USES THAT INFORMATION FOR ANY UNLAWFUL PURPOSE, INCLUDING TO OBTAIN OR ATTEMPT TO OBTAIN CREDIT, GOODS, SERVICES, FINANCIAL INFORMATION, OR MEDICAL INFORMATION IN THE NAME OF THE OTHER PERSON WITHOUT THE CONSENT OF THE OTHER PERSON; AND

(B) (I) STANDS IN A POSITION OF TRUST OR CONFIDENCE WITH THE INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; OR

(II) HAS A BUSINESS RELATIONSHIP WITH THE INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON.

(3) A PERSON CONVICTED OF THE OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR A PERSON WITH A DEVELOPMENTAL DISABILITY SHALL BE FINED AN AMOUNT NOT TO EXCEED $10,000 OR BE IMPRISONED IN A STATE PRISON FOR A TERM NOT TO EXCEED 10 YEARS, OR BOTH.

(4) AS USED IN THIS SECTION:

(A) "DEVELOPMENTAL DISABILITY" HAS THE MEANING PROVIDED IN 53-20-102; AND

(B) "INCAPACITATED PERSON" HAS THE MEANING PROVIDED IN 72-5-101.

SECTION 3. SECTION 52-3-825, MCA, IS AMENDED TO READ:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

(3) (a) A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for

a term of not less than 1 year and not more than 10 years, or both.

(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved."

NEW SECTION. **Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 16, part 2, and the provisions of Title 46, chapter 16, part 2, apply to [section 1].

(2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 45, CHAPTER 6, PART 3, AND THE PROVISIONS OF TITLE 45, CHAPTER 6, PART 3, APPLY TO [SECTION 2].

- END -

HOUSE BILL NO. 410

INTRODUCED BY J. ESSMANN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING ~~OLDER~~ OLDER PERSONS, INCAPACITATED PERSONS, AND DEVELOPMENTALLY DISABLED PERSONS; PROVIDING FOR THE ADMISSIBILITY OF HEARSAY STATEMENTS UNDER CERTAIN CIRCUMSTANCES WHERE REASONABLE GUARANTEES OF TRUSTWORTHINESS ARE PRESENT IN CASES OF EXPLOITATION OF ~~OLDER~~ OLDER PERSONS, INCAPACITATED ~~PEOPLE~~ PERSONS, AND ~~PEOPLE~~ PERSONS WITH DEVELOPMENTAL DISABILITIES; CREATING THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Testimony of third person in cases of exploitation of ~~older~~ OLDER PERSON, INCAPACITATED person, or developmentally disabled person.** (1) Otherwise inadmissible hearsay may be admitted into evidence in a criminal proceeding, as provided in subsections (2) and (3), if:

(a) the declarant of the out-of-court statement is an ~~older~~ OLDER PERSON, AN INCAPACITATED person, or an individual with a developmental disability who is:

(i) an alleged victim of exploitation of an ~~older~~ OLDER PERSON, INCAPACITATED person, or developmentally disabled person pursuant to ~~52-3-825~~ [SECTION 2] that is the subject of the criminal proceeding; or

(ii) a witness to an alleged exploitation of an ~~older~~ OLDER PERSON, INCAPACITATED person, or developmentally disabled person pursuant to ~~52-3-825~~ [SECTION 2] that is the subject of the criminal proceeding;

(b) the court finds that the time, content, and circumstances of the statement provide circumstantial guarantees of trustworthiness;

(c) the ~~older~~ OLDER PERSON, THE INCAPACITATED person, or the individual with a developmental disability is unavailable as a witness;

(d) the hearsay testimony is offered as evidence of a material fact and is more probative on the point for which it is offered than any other evidence available through reasonable efforts; and

(e) the party intending to offer the hearsay testimony gives sufficient notice to provide the adverse party

with a fair opportunity to prepare. The notice must include the content of the statement, the approximate time, date, and location of the statement, the person to whom the statement was made, and the circumstances surrounding the statement that the offering party believes support the statement's reliability.

(2) The court shall issue findings of fact and conclusions of law setting forth the court's reasoning on the admissibility of the testimony.

(3) When deciding the admissibility of offered hearsay testimony under subsections (1) and (2), a court shall consider the following:

(a) the attributes of the hearsay declarant, including:

(i) the individual's age;

(ii) the individual's ability to communicate verbally;

(iii) the individual's ability to comprehend the statements or questions of others;

(iv) the individual's ability to tell the difference between truth and falsehood;

(v) the individual's motivation to tell the truth, including whether the individual understands the general obligation to speak truthfully and not fabricate stories;

(vi) whether the individual possessed sufficient mental capacity at the time of the alleged incident to create an accurate memory of the incident; and

(vii) whether the individual possesses sufficient memory to retain an independent recollection of the events at issue;

(b) information regarding the witness who is relating the individual's hearsay statement, including:

(i) the witness's relationship to the individual;

(ii) whether the relationship between the witness and the individual has an impact on the trustworthiness of the individual's hearsay statement;

(iii) whether the witness has a motive to fabricate or distort the individual's statement; and

(iv) the circumstances under which the witness heard the individual's statement, including the timing of the statement in relation to the incident at issue and the availability of another person in whom the individual could confide;

(c) information regarding the individual's statement, including:

(i) whether the statement contains knowledge not normally attributed to an individual of the declarant's age;

(ii) whether the statement was spontaneous;

(iii) the suggestiveness of statements by other persons to the individual at the time that the individual made the statement;

(iv) if statements were made by the individual to more than one person, whether those statements were consistent;

(v) the nearness in time of the statement to the incident at issue; and

(vi) whether the statement is testimonial or nontestimonial in character; and

(d) other considerations that in the judge's opinion may bear on the admissibility of the individual's hearsay testimony.

(4) As used in this section, ~~"older person" "INCAPACITATED PERSON" has the meaning provided in 52-3-803 72-5-101 and "developmental disability" has the meaning provided in 53-20-102~~ THE FOLLOWING DEFINITIONS APPLY:

(A) "DEVELOPMENTAL DISABILITY" HAS THE MEANING PROVIDED IN 53-20-102.

(B) "INCAPACITATED PERSON" HAS THE MEANING PROVIDED IN 72-5-101.

(C) "OLDER PERSON" MEANS A PERSON WHO IS 65 YEARS OF AGE OR OLDER.

NEW SECTION. **SECTION 2. EXPLOITATION OF OLDER PERSON, INCAPACITATED PERSON, OR PERSON WITH DEVELOPMENTAL DISABILITY.** (1) A PERSON COMMITS THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, AN INCAPACITATED PERSON, OR A PERSON WITH A DEVELOPMENTAL DISABILITY IF THE PERSON:

(A) PURPOSELY OR KNOWINGLY OBTAINS OR USES OR ATTEMPTS TO OBTAIN OR USE AN OLDER PERSON'S, INCAPACITATED PERSON'S, OR DEVELOPMENTALLY DISABLED PERSON'S FUNDS, ASSETS, OR PROPERTY WITH THE INTENT TO TEMPORARILY OR PERMANENTLY DEPRIVE THE OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON OF THE USE, BENEFIT, OR POSSESSION OF FUNDS, ASSETS, OR PROPERTY OR TO BENEFIT SOMEONE OTHER THAN THE OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; AND

(B) (I) STANDS IN A POSITION OF TRUST OR CONFIDENCE WITH THE OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; OR

(II) HAS A BUSINESS RELATIONSHIP WITH THE OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON.

(2) A PERSON COMMITS THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, AN INCAPACITATED PERSON, OR A PERSON WITH A DEVELOPMENTAL DISABILITY IF THE PERSON:

(A) PURPOSELY OR KNOWINGLY OBTAINS PERSONAL IDENTIFYING INFORMATION OF ANOTHER PERSON AND USES

THAT INFORMATION FOR ANY UNLAWFUL PURPOSE, INCLUDING TO OBTAIN OR ATTEMPT TO OBTAIN CREDIT, GOODS, SERVICES, FINANCIAL INFORMATION, OR MEDICAL INFORMATION IN THE NAME OF THE OTHER PERSON WITHOUT THE CONSENT OF THE OTHER PERSON; AND

(B) (I) STANDS IN A POSITION OF TRUST OR CONFIDENCE WITH THE OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON; OR

(II) HAS A BUSINESS RELATIONSHIP WITH THE OLDER PERSON, INCAPACITATED PERSON, OR DEVELOPMENTALLY DISABLED PERSON.

(3) A PERSON CONVICTED OF THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON, AN INCAPACITATED PERSON, OR A PERSON WITH A DEVELOPMENTAL DISABILITY SHALL BE FINED AN AMOUNT NOT TO EXCEED $10,000 OR BE IMPRISONED IN A STATE PRISON FOR A TERM NOT TO EXCEED 10 YEARS, OR BOTH.

(4) AS USED IN THIS SECTION, THE FOLLOWING DEFINITIONS APPLY:

(A) "DEVELOPMENTAL DISABILITY" HAS THE MEANING PROVIDED IN 53-20-102~~; AND~~.

(B) "INCAPACITATED PERSON" HAS THE MEANING PROVIDED IN 72-5-101.

(C) "OLDER PERSON" MEANS A PERSON WHO IS 65 YEARS OF AGE OR OLDER.

SECTION 3. SECTION 52-3-825, MCA, IS AMENDED TO READ:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

~~(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a~~

~~developmental disability in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.~~

~~(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved.~~"

NEW SECTION. **Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 46, chapter 16, part 2, and the provisions of Title 46, chapter 16, part 2, apply to [section 1].

(2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 45, CHAPTER 6, PART 3, AND THE PROVISIONS OF TITLE 45, CHAPTER 6, PART 3, APPLY TO [SECTION 2].

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 17, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Ellie Boldman Hill (D)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Keith Regier (R)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 405, 2/13/2015; HB 410, 2/13/2015; HB 426, 2/13/2015; HB 436, 2/13/2015; HB 463, 2/13/2015
Executive Action:	HB 227, HB 369, HB 424, HB 425, HB 466

00:01:00 Chair J. Bennett

HEARING ON HB 436

Opening Statement by Sponsor:
00:01:54 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 436, Revising the Montana uniform trust code.

Proponents' Testimony:
00:02:43 Dirk Williams, State Bar of Montana
EXHIBIT(juh36a01)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:06:14 Chair J. Bennett
00:06:21 Rep. Hill
00:06:54 Dirk Williams, State Bar of Montana

Closing by Sponsor:
00:07:22 Rep. Dudik

HEARING ON HB 463

Opening Statement by Sponsor:
00:07:50 Rep. Kelly McCarthy (D), HD 49, opened the hearing on HB 463, Revise laws related to asset forfeiture.

Proponents' Testimony:
00:17:47 Rep. Zolnikov, HD 45
00:20:41 Rep. Regier joined the meeting.
00:22:23 Niki Zupanic, American Civil Liberties Union (ACLU) of Montana
00:27:05 John Quandt, Americans for Prosperity (AFP) Montana

Opponents' Testimony:
00:30:26 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney General, Department of Justice (DOJ)
EXHIBIT(juh36a02)
EXHIBIT(juh36a03)
00:33:57 Mary "Marty" Phippen, Montana Association of Clerks of District Court
EXHIBIT(juh36a04)
00:35:10 Leo Gallagher, County Attorney, Lewis and Clark County
00:39:20 Larry Epstein, Montana County Attorneys Association (MCAA)

Informational Testimony: None

Questions from Committee Members and Responses:
00:40:05 Rep. McConnell
00:41:33 Jon Bennion, DOJ
00:43:52 Rep. McConnell
00:44:29 Jon Bennion, DOJ
00:45:00 Rep. Wagoner
00:45:39 Jon Bennion, DOJ
00:46:13 Rep. Wagoner
00:46:52 Jon Bennion, DOJ
00:47:46 Rep. Wagoner
00:48:05 Jon Bennion, DOJ
00:48:34 Rep. Perry
00:49:10 Jon Bennion, DOJ
00:49:46 Rep. Pinocci
00:50:45 Jon Bennion, DOJ
00:51:11 Rep. Pinocci
00:51:19 Jon Bennion, DOJ
00:52:06 Rep. MacDonald

Closing by Sponsor:
00:52:27 Rep. McCarthy

HEARING ON HB 405

Opening Statement by Sponsor:
00:57:23 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 405, Revise laws regarding pre-nuptial agreements.

Proponents' Testimony:
00:59:26 Donna Wax, Wax and Associates
EXHIBIT(juh36a05)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:03:34 Rep. Doane
01:04:17 Rep. Essmann
01:06:15 Rep. Meyers
01:06:37 Rep. Essmann
01:07:26 Rep. Manzella
01:07:56 Donna Wax, Wax and Associates
01:08:06 Rep. Manzella
01:08:13 Donna Wax, Wax and Associates

Closing by Sponsor:
01:10:59 Rep. Essmann

HEARING ON HB 410

Opening Statement by Sponsor:
01:11:50 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 410, Generally revise laws on the exploitation of vulnerable persons.
EXHIBIT(juh36a06)

Proponents' Testimony:
01:16:48 Donya Parrish, Montana Credit Union Network (MCUN)
EXHIBIT(juh36a07)
EXHIBIT(juh36a08)
01:17:52 Mary Cochenour, Assistant Attorney General, Prosecution Services Bureau, Legal Services Division, Department of Justice (DOJ)
01:20:13 Larry Epstein, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:25:39 Rep. Monforton
01:26:13 Mary Cochenour, DOJ
01:27:56 Rep. Monforton
01:28:01 Mary Cochenour, DOJ
01:28:05 Rep. Monforton
01:28:28 Mary Cochenour, DOJ
01:29:31 Rep. Regier
01:30:45 Rep. Essmann
01:32:12 Rep. Regier
01:32:26 Rep. Essmann
01:32:29 Rep. Regier
01:32:42 Rep. Essmann
01:32:51 Rep. Regier
01:33:03 Rep. Essmann
01:33:35 Rep. McConnell
01:34:27 Mary Cochenour, DOJ
01:35:06 Rep. McConnell
01:36:02 Mary Cochenour, DOJ
01:37:31 Rep. McConnell
01:38:09 Mary Cochenour, DOJ
01:41:12 Rep. Kelker
01:42:19 Mary Cochenour, DOJ
01:43:03 Rep. Kelker
01:43:30 Rep. Essmann
01:44:35 Rep. Regier

Closing by Sponsor:
01:45:25 Rep. Essmann

01:47:12 Chair J. Bennett

01:47:28 Recessed
01:55:58 Reconvened

01:56:13 Chair J. Bennett

HEARING ON HB 426

Opening Statement by Sponsor:
01:56:20 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 426, Revise attorney-client privilege laws providing a crime-fraud exception.

Proponents' Testimony:
02:00:25 Bruce Spencer, State Bar of Montana

Opponents' Testimony:
02:03:05 Lee Bruner, Montana Defense Trial Lawyers (MDTL)

Informational Testimony: None

Questions from Committee Members and Responses:
02:06:10 Rep. Hill
02:06:54 Lee Bruner, MDTL
02:07:39 Rep. Hill
02:07:51 Lee Bruner, MDTL
02:08:14 Rep. Meyers
02:09:03 Rep. Monforton
02:09:49 Rep. Meyers
02:10:15 Rep. Monforton
02:10:36 Rep. Kelker
02:11:46 Bruce Spencer, State Bar of Montana
02:13:56 Rep. Kelker
02:14:10 Bruce Spencer, State Bar of Montana
02:14:45 Rep. Doane
02:15:09 Lee Bruner, MDTL
02:15:33 Rep. Doane
02:15:41 Lee Bruner, MDTL
02:15:57 Rep. Court
02:16:23 Rep. Monforton
02:16:29 Rep. Court
02:16:41 Bruce Spencer, State Bar of Montana
02:17:25 Rep. McConnell
02:17:48 Rep. Regier left the meeting.
02:17:57 Rep. Monforton
02:19:23 Rep. McConnell
02:19:40 Rep. Monforton
02:21:09 Rep. Person
02:21:38 Lee Bruner, MDTL
02:21:59 Rep. Hill

02:22:38 Bruce Spencer, State Bar of Montana
02:22:55 Rep. Hill
02:23:30 Rep. Monforton
02:24:26 Rep. Hill
02:24:49 Rep. Monforton

Closing by Sponsor:
02:25:32 Rep. Monforton

02:26:42 Chair J. Bennett
02:28:04 Rep. MacDonald
02:28:16 Chair J. Bennett
02:28:22 Rep. MacDonald
02:28:32 Chair J. Bennett

02:28:51 Recess
02:54:42 Reconvened

EXECUTIVE ACTION ON HB 424

02:54:46 **Motion:** Rep. Doane moved that **HB 424 DO PASS**.

Discussion:
02:55:07 Helen Thigpen, Legislative Services Division (LSD)
02:55:45 Rep. Monforton
02:58:15 Rep. Person

02:58:59 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 425

02:59:58 **Motion:** Rep. Doane moved that **HB 425 DO PASS**.

Discussion:
03:00:05 Helen Thigpen, LSD
03:00:28 Rep. Monforton
03:00:50 Rep. Court
03:01:38 Rep. Kelker
03:02:34 Rep. McConnell
03:03:33 Rep. Eck

03:04:01 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry, Rep. Person and Rep. Wagoner voting no. Rep. Regier voted by proxy.
Note: HB 425 awaiting the arrival of fiscal note in committee. Bill will remain in committee until further notice.

EXECUTIVE ACTION ON HB 466

03:05:00 **Motion:** Rep. Doane moved that **HB 466 DO PASS**.

Discussion:
03:05:06 Helen Thigpen, LSD

03:05:37 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 369

03:06:03 **Motion:** Rep. Doane moved that **HB 369 DO PASS**.

Discussion:
03:06:06 Helen Thigpen, LSD
EXHIBIT(juh36a09)

03:06:23 **Motion:** Rep. Doane moved that **HB 369 BE AMENDED**.

Discussion:
03:06:33 Helen Thigpen, LSD
03:07:10 Rep. Fiscus
03:07:32 Rep. Monforton
03:10:32 Rep. McConnell

03:11:59 **Vote:** Motion carried 19-2 by roll call vote with Rep. Eck and Rep. Person voting no. Rep. Regier voted by proxy.

03:12:48 **Motion:** Rep. Doane moved that **HB 369 DO PASS AS AMENDED**.

Discussion:
03:12:56 Rep. Fiscus
EXHIBIT(juh36a10)

03:14:04 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. Laszloffy, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 227

03:15:11 **Motion:** Rep. Doane moved that **HB 227 DO PASS**.

Discussion:

03:15:22 Rep. MacDonald

03:16:19 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Regier voted by proxy.

03:17:19 **Motion/Vote:** Rep. Doane moved that **HB 227 BE TABLED**. Motion carried 20-0 by voice vote. Rep. Regier was excused.

03:17:34 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:18:50

_____
McKenzie Chambers, Secretary

mc

Additional Documents:

EXHIBIT(juh36aad.pdf)

EXHIBIT 6
DATE 2/17/15
HB 410

Amendments to House Bill No. 410
1st Reading Copy

Requested by Representative Jeff Essmann

For the House Judiciary Committee

Prepared by Helen Thigpen
February 17, 2015 (7:14am)

1. Title, page 1, line 8.
Following: "DISABILITIES"
Insert: "; CREATING THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA"

2. Page 1, line 18.
Strike: "52-3-825"
Insert: "[section 2]"

3. Page 1, line 20.
Strike: "52-3-825"
Insert: "[section 2]"

4. Page 3, line 6.
Following: line 6

"NEW SECTION. **Section 2. Exploitation of older person or person with developmental disability.** (1) A person commits the offense of exploitation of an older person or a person with a development disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an older person's or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the older person or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the older person or developmentally disabled person; and

(b)(i) stands in a position of trust or confidence with the older person or developmentally disabled person; or

(ii) has a business relationship with the older person or developmentally disabled person.

(2) A person commits the offense of exploitation of an older person or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

(b)(i) stands in a position of trust or confidence with the older person or developmentally disabled person; or

(ii) has a business relationship with the older person or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an older person or a person with a developmental disability shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section:

(a) "older person" has the meaning provided in 52-3-803; and

(b) "developmental disability" has the meaning provided in 53-20-102.

Insert: "Section 3. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

~~(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.~~

~~(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved.~~"

{Internal References to 52-3-825: None.}"

Renumber: subsequent sections

5. Page 3, line 8.
Following: "instruction."
Insert: "(1)"

6. Page 3, line 9.
Following: line 9
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -

EXHIBIT #7
DATE 2/17/15
HB 410

BIG SKY Senior SERVICES

Senior Helping Hands | Prevention of Elder Abuse | Friends Volunteer Program

February 16, 2015

Judiciary Committee
RE: HB 410

Dear Members of the Committee,

My name is Denise Armstrong and I'm the Executive Director for Big Sky Senior Services, Inc. which houses the Prevention of Elder Abuse program.

We are in favor of HB 410. The hearsay component will allow for testimony when the victim either lacks capacity or other unforeseen reasons. A majority of financial exploitation cases involve family members and most often children. It is very difficult for a family member to come forward and testify against a child. Without the victim's testimony, it becomes difficult to prosecute so the perpetrators continue their cycle of abuse.

Allowing the testimony received through hearsay will facilitate prosecution and stop the abuse before vulnerable adult's finances are depleted.

Thank you,

Denise Armstrong

Denise Armstrong

EXHIBIT 8
DATE 2/17/15
HB 410

February 16, 2015

Members of the Committee:

My name is Laurie Yamamoto. I am from Billings where I served as Regional Supervisor for Adult Protective Services (APS) for over two decades., retiring in November 2014,. My experiences in APS prompt me to respond to the hearsay bill now being considered.

APS is obligated by statute to investigate referrals of abuse, neglect or exploitation of disabled adults and seniors over the age of sixty. Referrals received are objectively investigated to determine if adult maltreatment occurred. In some instances where there may be a criminal component, APS investigative materials are turned over to law enforcement and they may in turn recommend prosecution to the county attorney.

The resonating concern at all levels is for the vulnerable adult who likely has some level of impairment and/or diminished capacity. They have difficulty explaining their story or may be deceased by the time of prosecution. This hearsay bill would provide for substitute testimony in certain instances. The bill itself has many qualifiers to insure the appropriate us of hearsay testimony. I believe passage of the bill would assist in the prosecution of cases involving vulnerable adults who have been victimized.

Respectfully submitted,

Laurie Yamamoto

Laurie Yamamoto
3141 Aviemore Court
Billings, Montana
(406)690-4150

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives
225 N. Roberts
Helena MT 59620-1201
2015 Legislative
E-Document Specialist Susie Hamilton

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, February 17, 2015 **Time:** 8:00 AM
Place: Capitol **Room:** 137

BILLS and RESOLUTIONS HEARD:

HB 405 - Revise laws regarding pre-nuptial agreements - Rep. Jeff Essmann
HB 410 - Generally revise laws on the exploitation of vulnerable persons - Rep. Jeff Essmann
HB 426 - Revise attorney-client privilege laws providing a crime-fraud exception - Rep. Matthew Monforton
HB 436 - Revising the Montana uniform trust code - Rep. Kimberly Dudik
HB 463 - Revise laws related to asset forfeiture - Rep. Kelly McCarthy

EXECUTIVE ACTION TAKEN:

HB 227 - Tabled
HB 369 - Do pass as amended
HB 424 - Do pass
HB 425 - Do pass
HB 466 - Do pass

Comments:

REP. Gerald (Jerry) Bennett, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD	X	
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER		X
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS

HOUSE STANDING COMMITTEE REPORT

February 17, 2015

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 424** (first reading copy -- white) **do pass**.

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 12, No 9
Fiscal Note Required __

HB0424001SC.hbb

2/17/15
12:00

HOUSE STANDING COMMITTEE REPORT

February 17, 2015

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 425** (first reading copy -- white) **do pass**.

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 11, No 10
Fiscal Note Required X

HB0425001SC.hbb

2/17/15
1pm

HOUSE STANDING COMMITTEE REPORT

February 17, 2015

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 466** (first reading copy -- white) **do pass**.

Signed: Jerry Bennett
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 21, No 0
Fiscal Note Required X

HB0466001SC.hbb

2/17/15
1pm

HOUSE STANDING COMMITTEE REPORT

February 17, 2015

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 369** (first reading copy -- white) **do pass as amended**.

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Page 2, line 5.
Strike: "as determined by the court"
Insert: "if a court determines that a claim or defense is frivolous or vexatious"

- END -

Committee Vote:
Yes 11, No 10
Fiscal Note Required __

HB0369001SC.hbb

2/17/15
12:0

COMMITTEE FILE COPY

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The **HOUSE JUDICIARY COMMITTEE** TABLED

HB 227 - Adopting 2008 uniform interstate family support act - Rep. Kimberly Dudik

by motion, on **Tuesday, February 17, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

McKenzie Mchambers
(For the Committee)

(For the Chief Clerk of the House)

12:45, 2/17/15
(Time) (Date)

February 17, 2015 (12:43pm) McKenzie Chambers, Secretary Phone: 444-4846

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB424 DATE 2/17/15

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 425 DATE 2/17/15

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER		X	
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 369 DATE 2/17/15

MOTION Be Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL	X		
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 369 DATE 2/17/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY		X	
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 227 DATE 2/17/15

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN		X	
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE		X	
REP. RANDALL PINOCCI		X	
REP. CLAYTON FISCUS		X	
REP. JENNY ECK	X		
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON		X	
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY		X	
REP. THERESA MANZELLA		X	
REP. NATE MCCONNELL	X		
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER		X	
REP. ANDREW PERSON	X		
REP. KEITH REGIER		X	X
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary Committee because of other commitments. I desire to leave my proxy vote with:

Alan Doane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 424	✓	
HB 425	✓	
HB 466	✓	
HB 369	✓	
HB0369 01.AH	✓	
HB 227		✓

BILL/AMENDMENT	AYE	NO

Rep. Keith Regier
(Signature)

Date 2-17-15

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 17, 2015
HB 436 - Revising the Montana uniform trust code
Sponsor: **Rep. Kimberly Dudik**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
DIRK WILLIAMS	State Bar BETTR Section	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 17, 2015
HB 463 - Revise laws related to asset forfeiture
Sponsor: **Rep. Kelly McCarthy**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
LEO GALLAGHER	L/C Comt		X	
Mary "Marty" Phippen	Mt. Assn. Clks of Dist Ct		X	
John Quandt	AFP	X		
Niki Zupanic	ACLU	✓		
Rep. Daniel Zolnikov		✓		
Jon Bennion	DOJ		X	
Dany Egotan			X	
Christopha Morris			X	
Ed BARTLETT	CITY OF BILLINGS & YELLOWSTONE COUNTY		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 17, 2015
HB 405 - Revise laws regarding pre-nuptial agreements
Sponsor: **Rep. Jeff Essmann**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Donna R Wax	Wax Associates	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 17, 2015
HB 410 - Generally revise laws on the exploitation of vulnerable persons
Sponsor: **Rep. Jeff Essmann**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Mary Cochenour	Dept. of Justice	X		
Larry Epstein		X		
Beth Brenneman	Disability Rights MT	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 17, 2015
HB 426 - Revise attorney-client privilege laws providing a crime-fraud exception
Sponsor: **Rep. Matthew Monforton**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Lee Brooner	Mont. Defense Trial Lawyers		X	
Brad Spencer	MT State Bar	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 19, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Keith Regier (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Virginia Court, Vice Chair (D)
Rep. Jennifer Eck (D)
Rep. Ellie Boldman Hill (D)
Rep. Margaret (Margie) MacDonald (D)
Rep. Carolyn Pease-Lopez (D)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 443, 2/16/2015; HB 444, 2/16/2015; HB 445, 2/16/2015; HB 490, 2/16/2015; HB 516, 2/16/2015; HB 518, 2/16/2015; HB 530, 2/16/2015
Executive Action:	HB 320, HB 410, HB 457, HB 535

100:01:16 Chair J. Bennett

HEARING ON HB 518

Opening Statement by Sponsor:
00:02:05 Rep. Ron Ehli (R), HD 86, opened the hearing on HB 518, Revise laws related to search warrants.

Proponents' Testimony:
00:04:01 Bill Fulbright, County Attorney, Ravalli County
00:09:45 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:10:42 Rep. Meyers
00:11:12 Jim Smith, MSPOA
00:11:57 Rep. Manzella
00:12:26 Rep. MacDonald joined the meeting.
00:12:33 Bill Fulbright, Ravalli County
00:15:45 Rep. Kelker
00:15:54 Rep. Hill and Rep. Pease-Lopez joined the meeting.
00:16:16 Bill Fulbright, Ravalli County
00:17:11 Rep. McConnell
00:17:51 Rep. Eck joined the meeting.
00:17:56 Bill Fulbright, Ravalli County
00:19:37 Rep. McConnell
00:20:19 Bill Fulbright, Ravalli County
00:20:51 Rep. McConnell
00:21:06 Rep. Ehli
00:21:11 Rep. Doane
00:21:42 Bill Fulbright, Ravalli County
00:22:04 Rep. Manzella
00:22:32 Bill Fulbright, Ravalli County

Closing by Sponsor:
00:23:22 Rep. Ehli

HEARING ON HB 490

Opening Statement by Sponsor:

00:24:33 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 490, Providing restrictions for the use of long-term solitary confinement.

Proponents' Testimony:

00:27:50 Niki Zupanic, American Civil Liberties Union (ACLU) of Montana and representing NAMI Montana

EXHIBIT(juh38a01)
EXHIBIT(juh38a02)
EXHIBIT(juh38a03)

00:33:15 Patti Jacques, Self
00:37:26 Beth Brenneman, Disability Rights Montana (DRM)
00:39:15 Rep. Court joined the meeting.

Opponents' Testimony:

00:39:34 Leroy Kirkegard, Warden, Montana State Prison (MSP)
00:45:55 Cindy McKenzie, Division Administrator, Youth Services Division, Department of Corrections (DOC)

Informational Testimony: None

Questions from Committee Members and Responses:

00:51:33 Rep. MacDonald
00:52:14 Niki Zupanic, ACLU of Montana and NAMI Montana
00:54:22 Rep. Kelker
00:54:52 Leroy Kirkegard, (MSP)
00:55:19 Rep. Kelker
00:55:52 Leroy Kirkegard, (MSP)
00:57:33 Rep. Pease-Lopez
00:57:56 Joan Daly, Warden, Montana Women's Prison (MWP)
00:58:00 Rep. Pease-Lopez
00:58:15 Joan Daly, (MWP)
00:58:47 Rep. Pease-Lopez
00:59:12 Joan Daly, (MWP)
00:59:56 Rep. Pease-Lopez
01:00:17 Joan Daly, (MWP)
01:00:51 Rep. McConnell
01:01:39 Rep. Eck
01:03:26 Rep. Hess
01:03:47 Cindy McKenzie, DOC

EXHIBIT(juh38a04)
EXHIBIT(juh38a05)

Closing by Sponsor:

01:04:08 Rep. Eck

01:08:07 Chair J. Bennett

HEARING ON HB 445

Opening Statement by Sponsor:

01:09:31 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 445, Requiring search warrant for gov access to electronic devices.

EXHIBIT(juh38a06)

Proponents' Testimony:

01:13:11 Gary Marbut, Montana Shooting Sports Association (MSSA)
01:14:56 Rep. Schwaderer, HD 14
01:14:55 Chair J. Bennett left the meeting and Rep. Doane assumed the role of Chair.
01:15:29 Niki Zupanic, ACLU of Montana
01:17:14 Doug Nulle, Self

Opponents' Testimony: None

Informational Testimony:

01:17:54 Paulette Kohman, Special Assistant Attorney General, Office of Legal Affairs, Department of Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

01:19:04 Rep. Hill
01:19:46 Rep. J. Bennett rejoined the meeting and resumed the role of Chair.
01:20:17 Rep. Zolnikov
01:20:52 Rep. Hill
01:21:00 Rep. Zolnikov
01:21:02 Rep. Regier
01:21:19 Rep. Zolnikov
01:22:10 Rep. Regier
01:22:24 Rep. Zolnikov
01:22:52 Rep. Regier
01:23:02 Rep. Zolnikov
01:23:27 Rep. Regier
01:23:38 Rep. Zolnikov
01:24:32 Rep. Regier
01:24:50 Rep. Zolnikov
01:25:14 Rep. Kelker
01:26:05 Rep. Zolnikov
01:26:36 Rep. Kelker
01:26:58 Rep. Zolnikov
01:27:58 Rep. McConnell
01:28:29 Rep. Zolnikov
01:29:16 Rep. McConnell
01:29:56 Rep. Zolnikov
01:31:14 Rep. Kelker
01:31:47 Helen Thigpen, Legislative Services Division (LSD)
01:32:01 Rep. Person
01:32:34 Rep. Zolnikov
01:33:33 Rep. Court
01:34:07 Rep. Zolnikov

01:34:35 Rep. Court
01:34:50 Rep. Zolnikov
01:35:48 Rep. Regier
01:36:15 Rep. Zolnikov

Closing by Sponsor:
01:36:24 Rep. Zolnikov

HEARING ON HB 444

Opening Statement by Sponsor:
01:36:53 Daniel Zolnikov (R), HD 45, opened the hearing on HB 444, Generally revising laws related to electronic communications.
EXHIBIT(juh38a07)
EXHIBIT(juh38a08)

Proponents' Testimony:
01:43:50 Gary Marbut, Montana Shooting Sports Association (MSSA)
01:45:36 Niki Zupanic, ACLU of Montana
01:48:11 Doug Nulle, Self
01:48:32 Wes Krawczyk, Self

Opponents' Testimony:
01:49:31 Ole Olson, Assistant Attorney General, Prosecution Services Bureau, Legal Services Division, Montana Department of Justice (DOJ)
01:51:39 Mark Murphy, Montana County Attorneys Association (MCAA)
01:58:58 Spook Stang, Motor Carriers of Montana (MCM)

Informational Testimony:
02:00:03 Paulette Kohman, Special Assistant Attorney General, Office of Legal Affairs, Department of Health and Human Services (DPHHS)
02:01:24 Duane Williams, Administrator, Motor Carrier Services Division, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:
02:02:00 Rep. Wagoner
02:02:47 Rep. Zolnikov
02:03:04 Rep. Wagoner
02:03:44 Rep. Zolnikov
02:04:36 Rep. McConnell
02:04:58 Rep. Zolnikov
EXHIBIT(juh38a09)
02:06:42 Rep. McConnell
02:07:41 Rep. Zolnikov
02:08:11 Niki Zupanic, ACLU of Montana
02:08:49 Rep. McConnell
02:09:03 Niki Zupanic, ACLU of Montana

02:10:25 Rep. Fiscus
02:11:07 Rep. Zolnikov
02:12:05 Rep. Person
02:12:31 Ole Olson, DOJ

Closing by Sponsor:
02:13:26 Rep. Zolnikov

HEARING ON HB 443

Opening Statement by Sponsor:
02:15:23 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 443, Generally revise privacy laws.
EXHIBIT(juh38a10)

Proponents' Testimony:
02:20:23 Rep. Schwaderer, HD 14
02:22:17 Niki Zupanic, ACLU of Montana

Opponents' Testimony:
02:25:13 Ole Olson, Assistant Attorney General, Prosecution Services Bureau, Legal Services Division, Montana Department of Justice (DOJ)

Informational Testimony:
02:26:40 Paulette Kohman, Special Assistant Attorney General, Office of Legal Affairs, Department of Health and Human Services (DPHHS)
02:27:58 Duane Williams, Administrator, Motor Carrier Services Division, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:
02:28:47 Rep. Kelker
02:29:42 Ole Olson, DOJ

Closing by Sponsor:
02:31:04 Rep. Zolnikov

HEARING ON HB 530

Opening Statement by Sponsor:
02:33:31 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 530, Generally revise criminal law for restoring rights to possess firearms.

Proponents' Testimony:
02:43:25 Niki Zupanic, ACLU of Montana
02:45:38 Patti Jacques, Self
02:47:52 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:
02:48:36 Gary Marbut, Montana Shooting Sports Association (MSSA)
EXHIBIT(juh38a11)
02:56:13 Doug Nulle, Self

Informational Testimony:
02:58:37 Matt Kuntz, NAMI Montana

Questions from Committee Members and Responses:
02:59:31 Rep. Wagoner
02:59:50 Rep. Hill
03:00:10 Rep. Kelker
03:00:36 Rep. Hill
03:02:09 Rep. Kelker
03:02:23 Rep. Hill
03:03:27 Rep. Berglee
03:03:40 Rep. Hill
03:03:41 Rep. Berglee
03:03:57 Rep. Hill
03:04:23 Rep. Berglee
03:04:39 Rep. Hill
03:05:18 Rep. Berglee
03:05:31 Rep. Hill
03:06:05 Mary "Marty" Phippen, Montana Association of Clerks of District Court
03:07:10 Chair J. Bennett
03:07:21 Rep. Wagoner
03:08:40 Rep. Hill
03:10:08 Chair J. Bennett
03:10:41 Matt Kuntz, NAMI Montana

Closing by Sponsor:
03:12:45 Rep. Hill

03:13:50 Chair J. Bennett

HEARING ON HB 516

Opening Statement by Sponsor:
03:14:19 Rep. Margaret (Margie) MacDonald (D), HD 51, opened the hearing on HB 516, Revise petition for DNA testing laws.

Proponents' Testimony:
03:18:08 Keegan Flaherty, Montana Innocence Project (MTIP)
EXHIBIT(juh38a12)
03:21:31 Michelle Feldman, National Innocence Project
03:25:44 Abigail St. Lawrence, Montana Innocence Project (MTIP) and representing former Senator Larry Jent
EXHIBIT(juh38a13)

03:27:04 Kelsen Young, Montana Coalition Against Domestic & Sexual Violence (MCADSV)
03:30:09 Niki Zupanic, ACLU of Montana
03:30:18 Patti Jaques, Self

Opponents' Testimony:
03:31:01 Mark Murphy, Self

Informational Testimony: None

Questions from Committee Members and Responses:
03:36:53 Rep. McConnell
03:38:15 Mark Murphy, Self
03:38:56 Rep. McConnell
03:39:20 Mark Murphy, Self
03:40:54 Rep. Wagoner
03:41:09 Helen Thigpen, LSD
03:41:21 Rep. Pease-Lopez
03:42:29 Michelle Feldman, National Innocence Project

Closing by Sponsor:
03:44:19 Rep. MacDonald

03:45:20 Chair J. Bennett

03:47:09 Recessed
04:13:03 Reconvened

04:13:02 Rep. Meyers absent.
04:13:03 Chair J. Bennett

EXECUTIVE ACTION ON HB 320

04:13:45 **Motion:** Rep. Doane moved that **HB 320 DO PASS**.

Discussion:
04:13:52 Helen Thigpen, LSD
EXHIBIT(juh38a14)

04:14:29 **Motion:** Rep. Doane moved that **HB 320 BE AMENDED**.

Discussion:
04:14:40 Helen Thigpen, LSD

04:16:18 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers voted by proxy.

04:16:31 **Motion:** Rep. Doane moved that **HB 320 DO PASS AS AMENDED**.

Discussion:
04:16:38 Rep. Kelker

04:17:41 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 410

04:18:30 **Motion:** Rep. Doane moved that **HB 410 DO PASS**.

Discussion:
04:18:36 Helen Thigpen, LSD
EXHIBIT(juh38a15)
EXHIBIT(juh38a16)
EXHIBIT(juh38a17)

04:19:25 **Motion:** Rep. Regier moved that **HB 410 BE AMENDED**.

Discussion:
04:19:41 Rep. Regier
04:21:16 Rep. Wagoner
04:21:40 Helen Thigpen, LSD
04:22:14 Rep. McConnell
04:22:28 Chair J. Bennett
04:22:46 Rep. Wagoner
04:23:01 Chair J. Bennett
04:23:07 Helen Thigpen, LSD
04:24:42 Rep. Wagoner
04:24:48 Rep. Court
04:26:21 Rep. McConnell
04:27:27 Rep. Regier
04:28:24 Rep. MacDonald
04:29:14 Rep. Regier

04:29:28 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

04:30:29 **Motion:** Rep. Doane moved that **HB 410 BE AMENDED**.

04:30:52 Without objection, Rep. Doane withdrew the **BE AMENDED** motion.

04:30:58 **Motion:** Rep. Doane moved that **HB 410 DO PASS AS AMENDED**.

Discussion:
04:31:06 Rep. Regier

04:31:28 **Motion:** Rep. McConnell moved that **HB 410 BE AMENDED**.

Discussion:

04:31:47 Chair J. Bennett
04:31:59 Rep. McConnell
04:32:04 Chair J. Bennett
04:32:12 Rep. Regier
04:32:31 Rep. McConnell
04:32:37 Helen Thigpen, LSD
04:34:34 Rep. McConnell
04:35:10 Helen Thigpen, LSD

04:35:59 **Vote:** Motion carried 18-3 by roll call vote with Rep. Hess, Rep. McConnell and Rep. Person voting no. Rep. Meyers voted by proxy.

04:36:47 **Motion/Vote:** Rep. Doane moved that **HB 410 DO PASS AS AMENDED**. Motion carried 11-10 by roll call vote with Rep. J. Bennett, Rep. Court, Rep. Eck, Rep. Hess, Rep. Hill, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers voted by proxy.

EXECUTIVE ACTION ON HB 457

04:38:23 **Motion:** Rep. Doane moved that **HB 457 DO PASS**.

Discussion:

04:38:31 Helen Thigpen, LSD
04:38:59 Rep. Person
04:39:23 Rep. Regier left the meeting.
04:39:56 Rep. Monforton

04:41:05 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers and Rep. Regier voted by proxy. Note: HB 457 awaiting the arrival of fiscal note in Committee. Bill will remain in Committee until further notice.

04:41:57 Chair J. Bennett

EXECUTIVE ACTION ON HB 535

04:42:14 **Motion:** Rep. Doane moved that **HB 535 DO PASS**.

Discussion:

04:42:21 Helen Thigpen, LSD
04:42:36 Rep. Wagoner
04:43:09 Rep. Person
04:44:07 Rep. MacDonald

04:44:51 **Vote:** Motion carried 11-10 by roll call vote with Rep. J. Bennett, Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Meyers and Rep. Regier voted by proxy.
Note: HB 535 awaiting the arrival of fiscal note in Committee. Bill will remain in Committee until further notice.

04:45:53 Chair J. Bennett

ADJOURNMENT

Adjournment: 04:46:35

_____
McKenzie Chambers, Secretary

mc

Additional Documents:

EXHIBIT(juh38aad.pdf)

EXHIBIT 15
DATE 2/19/15
HB 410

Amendments to House Bill No. 410
1st Reading Copy

Requested by Representative Jeff Essmann

For the House Judiciary Committee

Prepared by Helen Thigpen
February 18, 2015 (7:20am)

1. Title, page 1, line 8.
Following: "DISABILITIES"
Insert: "; CREATING THE OFFENSE OF EXPLOITATION OF AN OLDER PERSON OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA"

2. Page 1, line 18.
Strike: "52-3-825"
Insert: "[section 2]"

3. Page 1, line 20.
Strike: "52-3-825"
Insert: "[section 2]"

4. Page 3, line 6.
Following: line 6

"NEW SECTION. **Section 2. Exploitation of older person or person with developmental disability.** (1) A person commits the offense of exploitation of an older person or a person with a development disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an older person's or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the older person or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the older person or developmentally disabled person; and

(b)(i) stands in a position of trust or confidence with the older person or developmentally disabled person; or

(ii) has a business relationship with the older person or developmentally disabled person.

(2) A person commits the offense of exploitation of an older person or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

(b)(i) stands in a position of trust or confidence with the older person or developmentally disabled person; or

(ii) has a business relationship with the older person or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an older person or a person with a developmental disability shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section:

(a) "older person" has the meaning provided in 52-3-803; and

(b) "developmental disability" has the meaning provided in 53-20-102.

Insert: "Section 3. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

~~(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.~~

~~(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved.~~"

{*Internal References to 52-3-825: None.*}"

Renumber: subsequent sections

5. Page 3, line 8.
Following: "instruction."
Insert: "(1)"

6. Page 3, line 9.
Following: line 9
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -

EXHIBIT 16
DATE 2/19/15
HB 410

Amendments to House Bill No. 410
1st Reading Copy

Requested by Representative Keith Regier

For the House Judiciary Committee

Prepared by Helen Thigpen
February 18, 2015 (5:48pm)

1. Title, page 1, line 4.
Strike: "OLDER"
Insert: "INCAPACITATED"

2. Title, page 1, line 7.
Strike: "OLDER"
Insert: "INCAPACITATED"

3. Page 1, line 12.
Strike: **"older"**
Insert: **"incapacitated"**

4. Page 1, line 15.
Strike: "older"
Insert: "incapacitated"

5. Page 1, line 17.
Strike: "older"
Insert: "incapacitated"

6. Page 1, line 19.
Strike: "older"
Insert: "incapacitated"

7. Page 1, line 23.
Strike: "older"
Insert: "incapacitated"

8. Page 3, line 5.
Strike: ""older person""
Insert: ""incapacitated person""
Strike: "52-3-803"
Insert: "72-5-101"

- END -

EXHIBIT 17
DATE 2/19/15
HB 410

Amendments to House Bill No. 410
1st Reading Copy

Requested by Representative Jeff Essmann

For the House Judiciary Committee

Prepared by Helen Thigpen
February 18, 2015 (5:48pm)

1. Title, page 1, line 8.
Following: "DISABILITIES"
Insert: "; CREATING THE OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA"

2. Page 1, line 18.
Strike: "52-3-825"
Insert: "[section 2]"

3. Page 1, line 20.
Strike: "52-3-825"
Insert: "[section 2]"

4. Page 3, line 6.
Following: line 6

"NEW SECTION. **Section 2. Exploitation of incapacitated person or person with developmental disability.** (1) A person commits the offense of exploitation of an incapacitated person or a person with a development disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an incapacitated person's or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the incapacitated person or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the incapacitated person or developmentally disabled person; and

(b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or

(ii) has a business relationship with the incapacitated person or developmentally disabled person.

(2) A person commits the offense of exploitation of an incapacitated person or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent

of the other person; and

(b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or

(ii) has a business relationship with the incapacitated person or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an incapacitated person or a person with a developmental disability shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section:

(a) "developmental disability" has the meaning provided in 53-20-102; and

(b) "incapacitated person" has the meaning provided in 72-5-101.

Insert: "Section 3. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

(3) (a) A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000

or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.

(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved."

{Internal References to 52-3-825: None.}"

Renumber: subsequent sections

5. Page 3, line 8.
Following: "instruction."
Insert: "(1)"

6. Page 3, line 9.
Following: line 9
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives
225 N. Roberts
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2015 Legislative
E-Document Specialist Susie Hamilton

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Thursday, February 19, 2015
Place: Capitol

Time: 8:00 AM
Room: 137

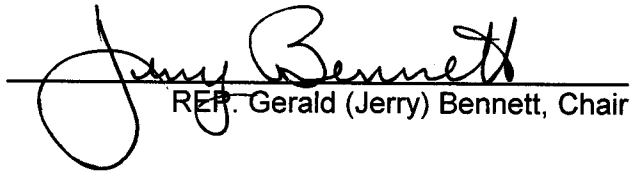
BILLS and RESOLUTIONS HEARD:

HB 443 - Generally revise privacy laws - Rep. Daniel Zolnikov
HB 444 - Generally revising laws related to electronic communications - Rep. Daniel Zolnikov
HB 445 - Requiring search warrant for gov access to electronic devices - Rep. Daniel Zolnikov
HB 490 - Providing restrictions for the use of long-term solitary confinement - Rep. Jennifer Eck
HB 516 - Revise petition for DNA testing laws - Rep. Margaret (Margie) MacDonald
HB 518 - Revise laws related to search warrants - Rep. Ron Ehli
HB 530 - Generally revise criminal law for restoring rights to possess firearms - Rep. Ellie Boldman Hill

EXECUTIVE ACTION TAKEN:

HB 320 - Do pass as amended
HB 410 - Do pass as amended
HB 457 - Do pass
HB 535 - Do pass

Comments:



REP. Gerald (Jerry) Bennett, Chair

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR		X
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK		X
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD		X
REP. ELLIE BOLDMAN HILL		X
REP. CAROLYN PEASE-LOPEZ		X
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER	X	
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS

HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 320** (first reading copy -- white) **do pass as amended.**

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Page 1, line 29.
Strike: "for a period of time set"
Following: "trustees"
Insert: "for a period of up to 1 year"

2. Page 3, line 10.
Strike: "9201"
Insert: "921"

3. Page 3, line 16.
Strike: "school as defined in 20-6-501"
Insert: "K-12 public school"

- END -

Committee Vote:
Yes 12, No 9
Fiscal Note Required __

HB0320001SC.hbb

2/19/15 3pm

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 410** (first reading copy -- white) **do pass as amended**.

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Title, page 1, line 4.
Strike: "OLDER"
Insert: "INCAPACITATED"

2. Title, page 1, line 7.
Strike: "OLDER"
Insert: "INCAPACITATED"

3. Title, page 1, line 8.
Following: "DISABILITIES"
Insert: "; CREATING THE OFFENSE OF EXPLOITATION OF AN INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA"

4. Page 1, line 12.
Strike: "**older**"
Insert: "**incapacitated**"

5. Page 1, line 15.
Strike: "older"
Insert: "incapacitated"

6. Page 1, line 18.
Strike: "52-3-825"
Insert: "[section 2]"

Committee Vote:
Yes 11, No 10
Fiscal Note Required __

HB0410001SC.hbb

2/19/15
4:15

7. Page 1, line 19.
Strike: "older"
Insert: "incapacitated"

8. Page 1, line 20.
Strike: "52-3-825"
Insert: "[section 2]"

9. Page 1, line 23.
Strike: "older"
Insert: "incapacitated"

10. Page 3, line 5.
Strike: ""older person""
Insert: ""incapacitated person""
Strike: "52-3-803"
Insert: "72-5-101"

11. Page 3, line 6.
Following: line 6

"NEW SECTION. **Section 2. Exploitation of incapacitated person or person with developmental disability.** (1) A person commits the offense of exploitation of an incapacitated person or a person with a development disability if the person:

(a) purposely or knowingly obtains or uses or attempts to obtain or use an incapacitated person's or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the incapacitated person or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the incapacitated person or developmentally disabled person; and

(b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or

(ii) has a business relationship with the incapacitated person or developmentally disabled person.

(2) A person commits the offense of exploitation of an incapacitated person or a person with a developmental disability if the person:

(a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and

(b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or

(ii) has a business relationship with the incapacitated person or developmentally disabled person.

(3) A person convicted of the offense of exploitation of an

incapacitated person or a person with a developmental disability shall be fined an amount not to exceed $10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(4) As used in this section:

(a) "developmental disability" has the meaning provided in 53-20-102; and

(b) "incapacitated person" has the meaning provided in 72-5-101.

Insert: "Section 3. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

(3) (a) A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of more than $1,000 but less than $25,000 in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person ~~or a person with a developmental disability~~ in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.

(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved."

"

Renumber: subsequent sections

12. Page 3, line 8.
Following: "instruction."
Insert: "(1)"

13. Page 3, line 9.
Following: line 9
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 45, chapter 6, part 3, and the provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -

HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Mr. Speaker:

We, your committee on Judiciary recommend that House Bill 535 (first reading copy -- white) do pass.

Signed: Jerry Bennett
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 11, No 10
Fiscal Note Required X

HB0535002SC.hbb

2/20/15 4:30

HOUSE STANDING COMMITTEE REPORT

February 19, 2015

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 457** (first reading copy -- white) **do pass**.

Signed: _____
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 12, No 9
Fiscal Note Required X

HB0457001SC.hbb

2/20/15
1:30

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 320 DATE 2/19/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 410 DATE 2/19/15

MOTION Be Amended - HB041002.AHT

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER 410 DATE 2/19/15

MOTION Be Amended - HB041003.ahf

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK	X		
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 410 DATE 2/19/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 457 DATE 2/19/15

MOTION DO PASS

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB535 DATE 2/19/15

MOTION DO PASS

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary Committee because of other commitments. I desire to leave my proxy vote with: Alan Doane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 320	✓	
HB03 2001.MS	✓	
HB 410	✓	
HB041002.AHH	✓	
HB041003.AHH	✓	
HB457 -	✓	
HB535 -	✓	

BILL/AMENDMENT	AYE	NO

Rep. _____ (Signature)

Date 2-19-15

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary Committee because of other commitments. I desire to leave my proxy vote with:

Alan Doane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 457	✓	
HB 535	✓	

BILL/AMENDMENT	AYE	NO

Rep. Keith Regier
(Signature)

Date 2-19-15

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 516 - Revise petition for DNA testing laws
Sponsor: **Rep. Margaret (Margie) MacDonald**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
MARK MURPHY	MCDA		X	
Kugan Flaherty	MT Innocence project	X		
Michelle Feldman	National Innocence Project	X		
Niki Zupanic	ACLU	✓		
Abigail St. Lawrence	Mont. Innocence Project	X		
[illegible]	MEADSV	X		
[illegible]	Citizen	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 518 - Revise laws related to search warrants
Sponsor: **Rep. Ron Ehli**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bill Fulbright	Ravalli Co. Attorney	✓		
Jim Smith	MSPOA	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 490 - Providing restrictions for the use of long-term solitary confinement
Sponsor: **Rep. Jennifer Eck**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Patti Jacque	Citizen	X		
Cindy McCarthy	DOC		X	
LEROY KIRKEGARD	DOC		X	
Beth Brennaman	Disability Rights MT	X		
Niki Zupanic	ACLU	✓		
Wes Krawczyk	self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 445 - Requiring search warrant for gov access to electronic devices
Sponsor: **Rep. Daniel Zolnikov**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
MARK MURPHY	MCAA MACOP		X	
Jerry Williams	MAPPA		X	
Niki Zupanic	ACLU	✓		
CARL MARBUT	MSSA	X		
DOUG NULL	SELF	X		
Wes Krawczyk	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 444 - Generally revising laws related to electronic communications
Sponsor: **Rep. Daniel Zolnikov**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Joe Olsen	MT DOT		✓	
Paulette Kohman	DPHHS			✓
Mike Zimpfer	ACLU	✓		
Dan Williams	MCS			X
Spark Shen	Mep		✓	
GARY MARBUT	MSSA	X		
DOUG MILLE	SELF	X		
Wes KRAWCZYK	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 443 - Generally revise privacy laws
Sponsor: **Rep. Daniel Zolnikov**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Joe Olson	MT DOJ		✓	
Mark Murphy	MCAA MACOP		✓	
Jerry Williams	MPPA		✓	
Paulette Kohman	DPHHS			✓
Spook Stang	MCM		✓	
Wes Krawczyk	Self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 443 - Generally revise privacy laws
Sponsor: **Rep. Daniel Zolnikov**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Mark Murphy	MCAA		X	
Jerry Williams	MAPA		X	
Paulette Kolman	DPHHS			✓
Niki Zupanic	ACLU	✓		
Duane Williams	MDT-MCS			+
Wes Krawczyk	self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Thursday, February 19, 2015
HB 530 - Generally revise criminal law for restoring rights to possess firearms
Sponsor: **Rep. Ellie Boldman Hill**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
GARY MARBUT	MSSP		X	
Bobbi Jacques	Citizen	~~X~~	~~X~~	?
DOUG NULLE	SELF		X	
Niki Zupanic	ACLU	✓		
MARK MURPHY	MCAP	✓-?		
Matt Kuntz	NAMI Montana			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on March 11, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Nels Swandal (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 227, 3/6/2015; HB 330, 3/6/2015; HB 397, 3/6/2015; HB 410, 3/6/2015; HB 505, 3/6/2015
Executive Action:	HB 397-Be Concurred In, HB 410-Be Concurred In, HB 505-Be Concurred In As Amended, HB 227-Be Concurred In-Motion Withdrawn, further discussion needed, HB 412-Be Concurred In HB 436-Be Concurred In, SR 25-Be Adopted, SR 27-Be Adopted

HEARING ON HB 505

Opening Statement by Sponsor:

00:00:59 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 505, Establish employee safe travel to work laws.

Proponents' Testimony:

00:03:41 Doug Nulle, Montana Shooting Sports Association (MSSA)

Opponents' Testimony:

00:05:51 Lonnie Olson, Montana Trial Lawyers Association (MTLA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:11:11 Sen. Kary
00:11:52 Mr. Olson, MTLA
00:12:56 Sen. Fielder
00:13:16 Mr. Olson
00:16:39 Rep. Monforton

Closing by Sponsor:

00:17:18 Rep. Monforton

HEARING ON HB 330

Opening Statement by Sponsor:

00:21:36 Rep. Nicholas Schwaderer (R), HD 14, opened the hearing on HB 330, Establish standards for law enforcement use and acquisition of certain equipment.

Proponents' Testimony:

None

Opponents' Testimony:

00:23:16 Larry Epstein, Montana County Attorneys Association (MCAA); Montana Chiefs of Police (MCOP); Montana Police Protective Association (MPPA)
00:25:14 Jerry Williams, executive director, Montana Police Protective Association (MPPA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:26:22 Sen. Fielder
00:26:54 Rep. Schwaderer
00:30:27 Sen. Hinkle
00:30:42 Rep. Schwaderer
00:32:15 Sen. Sands
00:32:31 Rep. Schwaderer
00:36:28 Sen. Moe
00:38:06 Chairman Sales
00:39:37 Rep. Schwaderer
00:40:25 Sen. Fielder
00:40:59 Rep. Schwaderer
00:44:11 Sen. Sands
00:44:40 Rep. Schwaderer

Closing by Sponsor:

00:46:07 Rep. Schwaderer

HEARING ON HB 410

Opening Statement by Sponsor:

00:47:04 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 410, Generally revise laws on the exploitation of vulnerable persons.

Proponents' Testimony:

00:53:19 Chad Parker, assistant attorney general, Prosecutions Bureau, Department of Justice (DOJ)
00:54:44 Larry Epstein, Montana County Attorneys Association (MCAA)
00:57:10 Wally Melcher, Montana Association of Community Disabilities Services (MACDS)
00:59:18 Lori Hamm, recovery specialist, Secretary of State's Office (SOS)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:02:44 Sen. McNally
01:03:43 Rep. Essmann
01:04:35 Sen. Moe
01:05:34 Rep. Essmann
01:07:00 Sen. Fielder
01:07:57 Sen. Essmann
01:09:04 Sen. Fielder
01:09:27 Ms. Hamm, SOS
01:11:10 Sen. Fielder
01:11:32 Mr. Parker, DOJ

Closing by Sponsor:

01:18:49 Rep. Essmann

HEARING ON HB 227

Opening Statement by Sponsor:

01:20:34 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 227, Adopting 2008 uniform interstate family support act.

Proponents' Testimony:

01:24:15 Chad Dexter, administrator, Child Support Enforcement Division, Department of Public Health and Human Services (DPHHS); also for Karen Powell, commissioner, Montana Uniform Law Commission
EXHIBIT(jus50a01)
EXHIBIT(jus50a02)

01:32:59 Amy Pfeifer, attorney, Child Support Enforcement Division, Department of Public Health and Human Services (DPHHS)
01:40:42 Robin Turner, public policy and legal director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:41:34 Sen. Hinkle
01:41:49 Ms. Pfeifer, DPHHS
01:44:18 Sen. Fielder
01:44:51 Ms. Pfeifer
01:45:35 Sen. Fielder

01:45:54 Rep. Dudik
01:47:28 Sen. Kary
01:48:02 Mr. Dexter, DPHHS
01:50:44 Sen. Fielder
01:51:22 Ms. Pfeifer
01:55:03 Chairman Sales
01:56:00 Ms. Pfeifer
01:57:03 Sen. Hinkle
01:57:37 Ms. Pfeifer
01:58:22 Sen. Hinkle
01:58:45 Mr. Dexter
02:00:35 Sen. Sands
02:01:18 Ms. Pfeifer
02:05:24 Chairman Sales
02:05:38 Ms. Pfeifer

Closing by Sponsor:

02:06:15 Rep. Dudik

HEARING ON HB 397

Opening Statement by Sponsor:

02:06:42 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 397, Revise adoption laws related to release of birth certificates to adoptees.

Proponents' Testimony:

02:10:34 Beth Jaffe, self; Concerned United Birthparents (CUB), Missoula
02:14:56 Brenda Desmond, self, Missoula
EXHIBIT(jus50a03)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:18:4 Sen. Sands
02:19:01 Ms. Desmond, self
02:19:20 Sen. Hinkle
02:19:57 Ms. Desmond
02:23:31 Rep. Dudik
02:25:01 Sen. Fielder
02:25:29 Rep. Dudik

02:26:28 Chairman Sales
02:26:46 Rep. Dudik
02:27:50 Ms. Jaffe, self

Closing by Sponsor:

02:29:28 Rep. Dudik

02:29:50 Recess
02:40:36 Reconvene

EXECUTIVE ACTION ON HB 397

02:41:29 **Motion:** Sen. Moe moved that **HB 397 BE CONCURRED IN**.

Discussion:

02:41:43 Sen. Vincent
02:41:51 Chairman Sales
02:41:58 Julianne Burkhardt, Legislative Services Division (LSD)

02:42:27 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Swandal voted by proxy. Sen. McNally will carry the bill.

EXECUTIVE ACTION ON HB 410

02:43:27 **Motion:** Sen. Fielder moved that **HB 410 BE CONCURRED IN**.

Discussion:

02:43:42 Sen. Hinkle
02:44:25 Sen. Fielder
02:45:07 Sen. Sands
02:45:20 Sen. Larsen
02:46:00 Chairman Sales

02:46:20 **Vote:** Motion carried 9-2 by roll call vote with Sen. Hinkle and Sen. Sales voting no. Sen. Hansen voted by proxy. Sen. Swandal was excused. Sen. Moe will carry the bill.

EXECUTIVE ACTION ON HB 505

02:47:27 **Motion:** Sen. Fielder moved that **HB 505 BE CONCURRED IN**.

02:47:35 **Motion:** Sen. Sands moved that **HB 505 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO RESTORE "LOCKED IN"**.

Discussion:

02:48:08 Julianne Burkhardt, Legislative Services Division (LSD)
02:48:49 Sen. Sands
02:48:51 Sen. Moe
02:49:05 Sen. Kary
02:49:23 Sen. Fielder
02:50:06 Sen. McNally
02:50:23 Sen. Fielder
02:50:30 Sen. McNally
02:50:32 Chairman Sales

02:50:34 Without objection, Sen. Sands withdrew her motion.

02:51:32 **Motion:** Sen. McNally moved that **HB 505 BE AMENDED BY RESTORING ORIGINAL LANGUAGE TO THE BILL**.

Discussion:

02:51:47 Sen. Sands
02:52:00 Chairman Sales

02:52:07 **Vote:** Motion carried 7-3 by voice vote with Sen. Fielder, Sen. Hinkle and Sen. Kary voting no. Sen. Hansen and Sen. Swandal were excused.

02:52:41 **Motion:** Sen. Vincent moved that **HB 505 BE CONCURRED IN AS AMENDED**.

Discussion:

02:52:50 Sen. Moe

02:54:18 **Vote:** Motion carried 10-2 by roll call vote with Sen. Driscoll and Sen. Moe voting no. Sen. Hansen and Sen. Swandal voted by proxy. Sen. Hinkle will carry the bill.

EXECUTIVE ACTION ON HB 227

02:54:50 **Motion:** Sen. Sands moved that **HB 227 BE CONCURRED IN**.

Discussion:

02:54:55 Sen. Fielder
02:55:06 Without objection, Sen. Sands withdrew her motion.

02:55:47 Sen. McNally
02:56:01 Sen. Fielder

EXECUTIVE ACTION ON HB 412

02:57:48 **Motion/Vote:** Sen. Sands moved that **HB 412 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Hansen voted by proxy. Sen. Swandal was excused. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 436

02:59:58 **Motion:** Sen. Fielder moved that **HB 436 BE CONCURRED IN**.

Discussion:

03:00:28 Julianne Burkhardt, Legislative Services Division (LSD)
03:01:07 Sen. Vincent
03:01:52 Sen. Fielder
03:02:21 Sen. Larsen

03:02:52 **Vote:** Motion carried unanimously by roll call vote. Sen. Hansen and Sen. Swandal voted by proxy. Sen. Larsen will carry the bill.

(Sen. Fielder left the hearing room)

EXECUTIVE ACTION ON SR 25

03:04:23 **Motion/Vote:** Sen. Sands moved that **SR 25 BE ADOPTED**. Motion carried 8-3 by voice vote with Sen. Hinkle, Sen. Kary and Sen. Sales voting no. Sen. Swandal and Sen. Hansen voted by proxy. Sen. Fielder was excused.

EXECUTIVE ACTION ON SR 27

03:06:08 **Motion**: Sen. Sales moved that **SR 27 BE ADOPTED**.

Discussion:

03:06:15 Sen. Vincent

03:06:30 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder, Sen. Hansen and Sen. Swandal voted by proxy.

ADJOURNMENT

Adjournment: 12:07 P.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT(jus50aad.pdf)

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives
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BUSINESS REPORT

MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION

SENATE JUDICIARY COMMITTEE

Date: Wednesday, March 11, 2015
Place: Capitol

Time: 9:00 AM
Room: 303

BILLS and RESOLUTIONS HEARD:

HB 227 - Adopting 2008 uniform interstate family support act - Rep. Kimberly Dudik
HB 330 - Establish standards for law enforcement use and acquisition of certain equipment - Rep. Nicholas Schwaderer
HB 397 - Revise adoption laws related to release of birth certificates to adoptees - Rep. Kimberly Dudik
HB 410 - Generally revise laws on the exploitation of vulnerable persons - Rep. Jeff Essmann
HB 505 - Establish employee safe travel to work laws - Rep. Matthew Monforton

EXECUTIVE ACTION TAKEN:

HB 397-Be Concurred In
HB 410-Be Concurred In
HB 505-Be Concurred In As Amended
HB 227-Be Concurred In-Motion Withdrawn, further discussion needed
HB 412-Be Concurred In
HB 436-Be Concurred In

SR 25-Be Adopted (Preliminary)
SR 27-Be Adopted (Preliminary)

Comments:

SEN. Scott Sales, Chair

MONTANA STATE SENATE
2015 JUDICIARY COMMITTEE
ROLL CALL

DATE: 3/11/15

NAME	PRESENT	ABSENT/ EXCUSED
CHAIRMAN, SENATOR SCOTT SALES	✓	
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	✓	
SENATOR DIANE SANDS	✓	
SENATOR ROBYN DRISCOLL	✓	
SENATOR KRISTEN HANSEN		✓
SENATOR JEDEDIAH HINKLE	✓	
SENATOR DOUG KARY	✓	
SENATOR CLIFF LARSEN	✓	
SENATOR MARY MCNALLY	✓	
SENATOR MARY SHEEHY MOE	✓	
SENATOR NELS SWANDAL		✓
SENATOR CHAS VINCENT	✓	

SENATE STANDING COMMITTEE REPORT

March 11, 2015

Madame President:

We, your committee on **Judiciary** report that **House Bill 397** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Scott Sales, Chair

To be carried by Senator Mary McNally

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required __

HB0397001SC12607.spt

SENATE STANDING COMMITTEE REPORT

Madame President:

We, your committee on **Judiciary** report that **House Bill 410** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Scott Sales, Chair

To be carried by Senator Mary Sheehy Moe

- END -

Committee Vote:
Yes 9, No 2
Fiscal Note Required __

HB0410001SC16522.spt

SENATE STANDING COMMITTEE REPORT

Madame President:

We, your committee on **Judiciary** report that **House Bill 505** (third reading copy -- blue) **be concurred in as amended**.

Signed: _____
Senator Scott Sales, Chair

To be carried by Senator Jedediah Hinkle

And, that such amendments read:

1. Title, page 1, line 5.
Following: line 5
Insert: "IF THE EMPLOYER DOES NOT HAVE A POLICY PROHIBITING FIREARMS FROM BEING SECURED IN VEHICLES AT THE WORKPLACE"

2. Page 1, line 11.
Following: line 11
Insert: "that does not have or enforce a policy prohibiting employees from keeping a firearm out of sight and locked in an employee's vehicle at the employer's workplace"

- END -

Committee Vote:
Yes 10, No 2
Fiscal Note Required __

HB0505001SC16504.spt

SENATE STANDING COMMITTEE REPORT

Madame President:

We, your committee on **Judiciary** report that **House Bill 412** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Scott Sales, Chair

To be carried by Senator Diane Sands

- END -

Committee Vote:
Yes 6, No 5
Fiscal Note Required __

HB0412001SC13941.spt

SENATE STANDING COMMITTEE REPORT

Madame President:

We, your committee on **Judiciary** report that **House Bill 436** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Scott Sales, Chair

To be carried by Senator Cliff Larsen

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required __

HB0436001SC13681.spt

SENATE STANDING COMMITTEE REPORT

Madame President:

We, your committee on **Judiciary** report that **Senate Resolution 25** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Scott Sales, Chair

- END -

Committee Vote:
Yes 8, No 3
Fiscal Note Required __

SR0025001SC.spt

SENATE STANDING COMMITTEE REPORT

March 11, 2015

Madame President:

We, your committee on **Judiciary** report that **Senate Resolution 27** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Scott Sales, Chair

- END -

Committee Vote:
Yes 12, No 0
Fiscal Note Required __

SR0027001SC.spt

MONTANA STATE SENATE
ROLL CALL VOTE
2015 JUDICIARY COMMITTEE

DATE 3/11/15 BILL NO HB 410 MOTION NO. 1

MOTION: Be Concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR CHAS VINCENT	—		
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	—		
SENATOR DIANE SANDS	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR MARY MCNALLY	—		
SENATOR MARY SHEEHY MOE	—		
SENATOR KRISTEN HANSEN	—		—
SENATOR JEDEDIAH HINKLE		—	
SENATOR DOUG KARY	—		
SENATOR NELS SWANDAL	—		—
CHAIRMAN, SENATOR SCOTT SALES		—	

9/2

MONTANA STATE SENATE

ROLL CALL VOTE

2015 JUDICIARY COMMITTEE

DATE 3/11/15 BILL NO HB 505 MOTION NO. 3

MOTION: Be Concurred As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR CHAS VINCENT	—		
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	—		
SENATOR DIANE SANDS	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROBYN DRISCOLL		—	
SENATOR MARY MCNALLY	—	[redacted]	
SENATOR MARY SHEEHY MOE		—	
SENATOR KRISTEN HANSEN	—		—
SENATOR JEDEDIAH HINKLE	—		
SENATOR DOUG KARY	—		
SENATOR NELS SWANDAL	—		—
CHAIRMAN, SENATOR SCOTT SALES	—		

10/2

MONTANA STATE SENATE
ROLL CALL VOTE
2015 JUDICIARY COMMITTEE

DATE 3/11/15 BILL NO HB42 MOTION NO. 1

MOTION: Be Concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR CHAS VINCENT		—	
VICE CHAIRMAN, SENATOR JENNIFER FIELDER		—	
SENATOR DIANE SANDS	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR MARY MCNALLY	—		
SENATOR MARY SHEEHY MOE	—		
SENATOR KRISTEN HANSEN		—	—
SENATOR JEDEDIAH HINKLE	—		
SENATOR DOUG KARY		—	
SENATOR NELS SWANDAL			
CHAIRMAN, SENATOR SCOTT SALES		—	

6/5

MONTANA STATE SENATE
ROLL CALL VOTE
2015 JUDICIARY COMMITTEE

DATE 3/11/15 **BILL NO** HB436 **MOTION NO.** 1

MOTION: Be Concurred In

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR CHAS VINCENT	—		
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	—		
SENATOR DIANE SANDS	—		
SENATOR CLIFF LARSEN	—		
SENATOR ROBYN DRISCOLL	—		
SENATOR MARY MCNALLY	—		
SENATOR MARY SHEEHY MOE	—		
SENATOR KRISTEN HANSEN	—		—
SENATOR JEDEDIAH HINKLE	—		
SENATOR DOUG KARY	—		
SENATOR NELS SWANDAL	—		—
CHAIRMAN, SENATOR SCOTT SALES	—		

12/0

SENATE PROXY

I, Senator K. Hansen, hereby authorize Senator J. Fielder to vote my proxy before the Senate meeting held on 3/12, 2015.

Senator Signature

3/12/15
Date

Said authorization is as follows: *(mark only one)*

- [X] All votes, including amendments.
- [ ] All votes as directed below on the listed bills, and all other votes.
- [ ] Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 397 Reconcurd Am	X	
HB410 Reconcurd Am	—	—
HB505 amended	—	—
HB505 Reconcurd amend	X	
HB412 Reconcurd Am		X
HB436 Reconcurd Am	X	
SR 25 Re Adopted	X	
SR 27 Re Adopted	X	

SENATE PROXY

I, Senator NELS SWANDAL hereby authorize Senator

_____ to vote my proxy before the Senate

JUDICIARY meeting held on 3/12, 2015.

Mark Swandal
Senator Signature (Sen. Swandal)

3/12/15
Date

Said authorization is as follows: *(mark only one)*

- [X] All votes, including amendments.
- [ ] All votes as directed below on the listed bills, and all other votes.
- [ ] Votes only as directed below.

Bill No./Amendment No.	Aye	No
HB 397 Be Concurred In	X	
HB 410 Be Concurred In	X	
HB 505 amended	—	
HB 505 Be Concurred Amend	X	
HB 412 Be Concurred In	—	
HB 436 Be Concurred In	X	
SR 25 Be Adopted	X	
SR 27 Be Adopted	X	

SENATE PROXY

I, Senator JENNIFER FIELDER, hereby authorize Senator SALES to vote my proxy before the Senate JUDICIARY meeting held on 3/12, 2015.

Senator Signature (Sen. Fielder)

~~7/8/15~~ 3/12/15
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SR 25 Be Adopted		
SR 24 Be Adopted	X	

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Wednesday, March 11, 2015
HB 505 - Establish employee safe travel to work laws
Sponsor: **Rep. Matthew Monforton**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
L J OLSON	MTLA		X	
DOUG NULLE	MSSA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Wednesday, March 11, 2015
HB 330 - Establish standards for law enforcement use and acquisition of certain equipment
Sponsor: **Rep. Nicholas Schwaderer**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Perry Stein	MCAA		X	
Jerry Williams	MPPA		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Wednesday, March 11, 2015
HB 410 - Generally revise laws on the exploitation of vulnerable persons
Sponsor: **Rep. Jeff Essmann**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Beth Brennan	Disability Rights Montana	X		
Chad Parker	MT DOJ - Attorney General's Office	X		
Larry Gelsan	MCAA	X		
LORI HAMM	SEE STATE	X		
Claudia Clifford	AARP Montana	✓		
Wally McRae	MACDS-SA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Wednesday, March 11, 2015
HB 227 - Adopting 2008 uniform interstate family support act
Sponsor: **Rep. Kimberly Dudik**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Amy Pfeifer	Child Support Enforcemet	✓		
Karen Powell	MT Uniform Law Commission	✓		
Chad Dexter	MT Child Support Enf. Div.	✓		
Robin Turner	MCADSV	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE JUDICIARY COMMITTEE

Wednesday, March 11, 2015
HB 397 - Revise adoption laws related to release of birth certificates to adoptees
Sponsor: **Rep. Kimberly Dudik**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Beth Jaffe	Concerned United Birthparents	✓		
Brenda Desmond	myself	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.